By so doing, Secretary Gates went directly to the heart of some of the most important problems affecting national security and the survival of this Nation. By his action he did the following:

(a) Asserted in a meaningful manner civilian control over military policy.

(b) Contributed to increased efficiency, effectiveness and promptness of JCS planning, deliberations and policy formulation.

(c) By strengthening the JCS system, cut much of the ground out from under the complaining critics whose only solution to everything they don't like in U.S. defense matters is the establishment of the defeated, disproven, discredited and alien single chief of staff system.

(d) Demonstrated what sound defense thinkers on Capital Hill have long contended—that strong, intelligent leadership in the Defense Department can do many constructive things to improve defense organization within the statutory framework of existing defense laws.

Congressional reaction to the Gates JCS memorandum has been unprecedentedly favorable. In private and public statements, Secretary Gates' action has been lauded by both Democrats and Republicans. One of the most highly respected authorities on defense matters in Congress is reported to have expressed the following opinion of the Gates JCS memorandum: "I consider Secretary Gates' action to be the most far-reaching, fundamental, overdue, and constructive step taken by a Secretary of Defense since the establishment of the Department."

By his JCS memorandum Secretary Gates makes what could be a contribution of historic importance, not only to the Department of Defense but to our form of government itself. The constitutional principal of civilian control of the military is something with which everyone agrees but about which many disagree when it comes to the practical application of these principles. Perhaps the greatest danger to the continuing and meaningful existence of civilian control of the military has been the lack of a simple and effective organizational device for keeping the civilian Secretary informed and in contact with top military policymaking. Until issuance of the Gates JCS memorandum the Secretary of Defense normally was not a participant of the policymaking procedure in the JCS. He waited until either the JCS forwarded an agreed position or the members became irretrievably frozen in disagreement. However, under the new Gates procedure, the Secretary of Defense henceforward will not be remote and isolated from the most vital military planning matters. By sitting with the JCS members during consideration of a problem on which there is some disagreement among them, the Secretary of Defense avails himself of the means to be informed as to the background and can gain a firm feel of the problem in disagreement. Thus, any future Secretary of Defense—and it must be assumed that rarely again will there be one who has served such a long apprenticeship as has Secretary Gates at various levels of the Defense Department—will be the beneficiary of a system by which he is immediately brought into intimate association with the information concerning the matters he must decide. It will keep the civilian authority from being remote and isolated. It will assure effective civilian control because it will make the civilian authority knowledgeable.

There are also two other important points covered by the Gates JCS memorandum. For some time defense observers on the Hill have felt that the JCS was under too much Pentagon pressure to agree and avoid presenting split papers to the Secretary of Defense for decision. This process of unanimity for the sake of unanimity was recognized on the Hill as a weakening feature of policymaking. Secretary Gates, in his JCS memorandum, recognized forthrightly that the very nature of matters before the JCS makes it reasonable and understandable that occasional differences of opinion will exist. There is no doubt but what this attitude by the Secretary of Defense will go far toward giving the Nation better defense plans. Also, in keeping with principles of strong and enlightening leadership, Secretary Gates stated in the JCS memorandum that he would make himself available to the chiefs of services individually for consultation and that such consultations would take top priority in his schedule.

Thus civilian and military authority and ability are both enhanced by bringing them closer together at the proper point in the formulation of defense policy.

THE SECRETARY OF DEFENSE,
Washington, D.C., December 29, 1959.

Memorandum for the Chairman, Joint Chiefs of Staff.

Subject: Organization of the Joint Chiefs of Staff and Relationships with the Office of the Secretary of Defense.

Reference: (a) Department of Defense Directive No. 5158.1.

You will recall that reference (a) assigns the responsibility to the Chairman of the Joint Chiefs of Staff for "Keeping the Secretary of Defense informed on issues upon which agreement among the Joint Chiefs of Staff has not been reached, and forwarding to the Secretary of Defense the recommendations, advice, and views of the Joint Chiefs of Staff, including any divergencies."

It is logical to assume that occasional divergencies in views will continue to be experienced within the Joint Chiefs of Staff. In view of the fundamental nature of matters which come before the Joint Chiefs of Staff for study, such divergencies are understandable. It is important, however, that such problems be resolved promptly in order that orderly planning may proceed and, where required, prompt action taken.

It is requested that I be promptly informed regarding any issue on which a difference of opinion is developing within the Joint Chiefs of Staff. I intend that either the Secretary of Defense and/or the Deputy Secretary of Defense will promptly meet with the Joint Chiefs at such times as they consider the issue in question. This procedure will insure that I am fully informed on the problems involved with a view to effecting their resolution in the most expeditious manner possible, and, where necessary, bringing the matter to the attention of the President for his decision.

I would like to emphasize, however, that the above procedure should not be interpreted as precluding any member of the Joint Chiefs of Staff from bringing to my personal attention any matter affecting the Joint Chiefs of Staff or an individual service. I look upon such discussions as matters of the highest priority within the Department of Defense and will gladly make time available in my schedule for such meetings regardless of any other schedule I may have.

THOMAS S. GATES.

Education Aid Dilemma

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 16, 1960

Mr. DERWINSKI. Mr. Speaker, the following editorial from the February 11 issue of the La Grange Citizen, a community newspaper in my district is, I believe, a most thought-provoking commentary on the subject of Federal aid to education, and I am including it in the RECORD for the consideration of my colleagues:

EDUCATION AID DILEMMA

How do you compromise your worries regarding Federal aid to schools, with your recognition that only through Federal aid is there assurance that all children in the United States will have at least a sound basic education?

A national committee of economists and businessmen has made the compromise by recommending Federal aid only where States are not financially able to provide facilities needed for adequate education.

Throughout America we have worked ourselves into this educational support dilemma by adhering to the original theory that each community provide the educational facilities for its children. Until the tax burden on real estate property reached the "straw on the camel's back" stage we did little to shift the financing to a broader basis.

During the past several decades there has been increasing admission that the State should supply the education fundamentals. Now there is admission that States, at least some States, will not be able to provide the necessary school facilities unless Uncle Sam helps out.

This trend toward broader base financing of education is recognition that no community can escape the evils arising from poor or mediocre education in any other community. U.S. population is so fluid there no longer is immunization through isolation.

The fear that Federal aid might mean Federal control of education is well founded. The distribution of funds from Washington could very easily be determined to favor those communities that comply easiest and with least resistance to Federal dictates.

A Bill To Provide Pay Increases for Postal Workers and Other Federal Employees

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 18, 1960

Mr. HOLTZMAN. Mr. Speaker, I would like to say a few words in behalf of our postal workers and our other Federal employees, who are seeking an increase in salary to offset the increasing cost of living.

I have supported legislation in the past which has given these public servants well-deserved pay increases, and shall support legislation to that effect at the present time. Several bills have been introduced on this subject, and I am introducing a companion bill today, which carries the same provisions as the Morrison bill.

In addition to providing for an upward adjustment in the compensation of our postal employees, the bill will also apply to other employees of the Federal Government.

Much has been said in the past, and will be said in the future, of the need for passage of such legislation. The de-

valuation of the dollar, the continuing spiral of living costs—these are some of the fundamental reasons for supporting legislation of this nature. Over the years the salary level of Federal employees has not kept pace with the increases granted those in private industry. Many workers have been forced to take on extra jobs in order to make ends meet. In so many instances wives of Federal employees have had to seek work to supplement the family income in an effort to provide the bare essentials.

I hope that the Committee on Post Office and Civil Service will see fit to approve this legislation without any undue delay, and I urge my colleagues to support it when it reaches the House floor for consideration.

Connally Amendment

EXTENSION OF REMARKS
OF

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1960

Mr. TUCK. Mr. Speaker, under leave granted me to extend my remarks in the Appendix of the RECORD, I include copy of statement made by Hon. W. C. "Dan" Daniel, member of the House of Delegates of Virginia, from the city of Danville, before the Senate Committee on Foreign Relations on Wednesday, February 17, 1960. Mr. Daniel is a distinguished Virginian and American and is an authority on sound constitutional government. He is serving at present as a member of the Virginia Commission on Constitutional Government and is past national commander of the American Legion. Commander Daniel's statement is as follows:

STATEMENT OF W. C. "DAN" DANIEL, MEMBER OF THE VIRGINIA COMMISSION ON CONSTITUTIONAL GOVERNMENT, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS, WEDNESDAY, FEBRUARY 17, 1960

The United Nations Charter provided for the establishment of an International Court of Justice of 15 judges to be employed in the settlement of international disputes. To make the United States subject to this Court, the now senior Senator from Oregon, Mr. MORSE, introduced a resolution declaring that these United States would be bound by the Court's jurisdiction in all legal disputes hereafter arising concerning (a) The interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) the nature or extent of the reparation to be made for the breach of an international obligation, provided, that such a declaration shall not apply to (a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; (b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

Although domestic matters were ostensibly excluded from the Court's jurisdiction, no guide or line of demarcation was established for determining which matters were international and which were domestic. This would have left it for the Court to decide its own jurisdiction. To blunt this sword pointed at the very heart of our Nation, the Connally amendment was adopted, adding six words "as determined by the United States" to section (b) of the proviso. It meant simply that we reserved the right to say whether a matter involving our Nation was one of international or domestic concern. This is such an obviously sensible limitation that argument in support or defense of it would seem superfluous were it not for the fact that a number of persons of considerable public prominence urge its repeal.

Briefly, their arguments in favor of abridging this safeguard to our national sovereignty seem to be that the nations of the world are not using this International Court as a means of settling their differences (I understand the Court has had fewer than a dozen cases since it was created) and that this situation is attributable to the fact that other nations have followed the example set by us in the Connally amendment. These exponents of "one worldism" take the position that the United States cannot be trusted to decide the question of jurisdiction fairly, but that we can trust the World Court to make the proper decision for us—that is, that we can rely with confidence upon the World Court not to infringe on our domestic concerns. Also, we are told that if we make this basic, possibly fatal, cession of sovereignty, others, including the Communist countries, will be shamed into doing the same, and then we will have a world ruled by law instead of by force.

This latter is, of course, utter nonsense. I doubt if anyone in this room really believes that a dedicated Communist can be shamed into anything, certainly not into giving up any position of strength he may occupy. A Communist has no conscience in the sense we know it; his only shame comes in failing the Communist cause of world domination. But it seems hardly necessary to argue this particular point. If the administration or the Congress had any real confidence in the effect of moral or legal suasion or of world opinion on the aggressive aims of communism, I doubt if the arguments being made in these very halls on virtually every major issue—defense, education, welfare, budget, etc.—would be so intimately and repeatedly tied into the strength of our national posture in relation to Russia and China. No, gentlemen, you know that until God puts love and charity foremost in every heart, the safety of the world is more dependent on the strength and freedom of the United States than on anything else. The difficulty seems to be that apparently some have been misled as to the extent of the risk involved in repeal of the Connally amendment.

For a court decree to have any binding or peacemaking effect, it must be accepted by the parties affected. Acceptance comes in only two ways, either voluntarily because the parties, particularly the unsuccessful ones, feel that the preservation of law and order is more important than their own selfish desires; or else, because the court has the power necessary to force acceptance. Little need be said concerning the futility of placing our hopes for world peace on the first of these. For those nations which are willing to subordinate selfish aims for the peace of society as a whole, the world does not need a court; diplomacy will suffice. For the others, well, I am sure you can imagine just how far Messrs. Khrushchev, Mao Tze-tung, or even Castro would go in voluntarily acceding to a distasteful court decree.

This brings up the matter of the establishment of an international military force of sufficient strength to enforce decrees of this Court against any party. The ultimate necesity for this is so obvious that the groundwork has already been laid within the United Nations.

Here, then, is the question: Are the Senators willing now to agree that we will either voluntarily obey—or that international troops may enter these United States to enforce—decrees of this Court concerning our labor, racial, financial, and who knows what other domestic problems? I think not. "But," say the "One Worlders," "this is an unfair question; the Court's jurisdiction extends only to international matters—domestic matters are excluded." How weak must be their perception, how short their memories.

Whether these problems would come within the jurisdiction of the Court, once the Connally amendment were repealed, would depend on nothing more than the Court's own interpretation of such words as "essentially," "domestic," "international," "any," and "obligation.". Quite obviously, the judges' respective interpretations would be colored by their background, purposes and ideology. Many things that we think of as being of strictly domestic concern might well be of international concern to a majority of the members of the Court whose political views are entirely different from ours. Indeed, would it be reasonable to expect such a Court—being the creature of the United Nations—not to give a broad interpretation to those international obligations—that is the word used in clause (c) of the World Court resolution—set forth in that biggest of all treaties, the United Nations Charter. For example, subsection (a) of article 55 makes it an obligation of member nations to promote: "higher standards of living, full employment, and conditions of economic and social progress and development."

After all, judges, like other men, have a natural tendency to aggrandize those institutions with which they are connected.

This is nothing new. For example, you will search in vain for any provision in the U.S. Constitution granting the Federal Government the right of eminent domain. Except for the fifth amendment, the only provision on this subject is found in section 8, article I, which reads in part as follows: "* * * and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings * * *."

For a number of years, the Federal Government observed this apparent limitation and the States condemned the land for it. Being federally minded, however, the Supreme Court had decided by 1875 that this was not a good limitation on the Federal Government and so simply held that any government as big as the Federal Government naturally had its own right of eminent domain. The constitutional phrase dealing with the consent of the State bothered it not at all—the court merely moved it over to modify the phrase "exercise like authority" instead of the word "purchased."

Regardless of whether we think it was right or wrong, it is common knowledge that the meaning and scope of the "general welfare," the "interstate commerce," and the "necessary and proper" clauses, among others, have been stretched beyond all possibility of recognition by those who adopted them. And you have seen matters of purely State concern at the time the 14th amendment was adopted—and so pronounced repeatedly for some 70 years by the highest courts in the land—changed overnight into matters of Federal concern. The wording of the Constitution remained the same. Later members of the Supreme Court simply decided that they did not like its initial meaning and so changed it. Indeed, the members